

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

FORT WORTH DIVISION

JENNIFER VANDERSTOK;
MICHAEL G. ANDREN;
TACTICAL MACHINING, LLC, a limited liability
company; and
FIREARMS POLICY COALITION, INC., a nonprofit
corporation,

Plaintiffs,

and

BLACKHAWK MANUFACTURING GROUP INC.
d/b/a 80 PERCENT ARMS,

Intervenor-Plaintiff,

v.

MERRICK GARLAND, in his official capacity as
Attorney General of the United States;
UNITED STATES DEPARTMENT OF JUSTICE;
STEVEN DETTELBAUGH, in his official capacity as
Director of the Bureau of Alcohol, Tobacco, Firearms
and Explosives; and
BUREAU OF ALCOHOL, TOBACCO, FIREARMS
AND EXPLOSIVES,

Defendants.

Civil Action No. 4:22-cv-691-O

BLACKHAWK MANUFACTURING GROUP INC. d/b/a 80 PERCENT ARMS'
MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, Northern District of Texas Local Civil Rule 7.1, and 5 U.S.C. § 705, Intervenor-Plaintiff BlackHawk Manufacturing Group Inc. d/b/a 80 Percent Arms (collectively, as used herein, “BlackHawk”), through its undersigned counsel, move this honorable Court to enjoin the enforcement against BlackHawk of the provisions in 27 C.F.R.

§§ 478.11 and 478.12 that were determined to be unlawful by the Court's Order dated September 2, 2022, (ECF No. 56), and to issue a determination that BlackHawk is entitled to the injunctive relief granted by the Court in said September 2 Order and subsequently expanded in its Order dated October 1, 2022. (ECF No. 89).

In support of this Motion, BlackHawk concurrently files a Brief in Support along with supporting documentation pursuant to Northern District of Texas Local Civil Rule 7.1(d).

BlackHawk's counsel has conferred with counsel for Defendants, who oppose the relief requested herein.

BlackHawk is aware that the Court previously imposed an expedited briefing schedule for the Motion for Preliminary Injunction filed by the original Plaintiffs. Accordingly, counsel for BlackHawk and Defendants have discussed a similarly accelerated briefing schedule for the instant Motion. BlackHawk's counsel proposed the following briefing schedule: seven (7) days for Defendants to file its opposition to the Motion based on the fact that similar issues have already been briefed and ruled on by the Court, and two (2) days for BlackHawk to file its reply. Defendants' counsel indicated Defendants would be content with the same briefing schedule ordered by the Court on the original Plaintiffs' motion for injunctive relief, i.e., twelve (12) days to file an opposition, and two (2) days for the moving party to reply.

DATED this 20th day of October, 2022.

Respectfully submitted,

/s/ Brian D. Poe
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*Counsel for Intervenor-Plaintiff BlackHawk
Manufacturing Group Inc. d/b/a 80 Percent Arms*

CERTIFICATE OF SERVICE

I hereby certify that, on October 20, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system to all counsel of record. A courtesy copy was also emailed to Daniel Reiss and Martin Tomlinson with the U.S. Department of Justice, Civil Division, whom Intervenor-Plaintiff's counsel emailed regarding this Motion and to ascertain Defendants' position.

/s/Brian D. Poe
Brian D. Poe

CERTIFICATE OF CONFERENCE

I hereby certify that, on October 19, 2022, Intervenor-Plaintiff's counsel, Michael Sullivan, conferred with Defendants' counsel, Daniel Reiss and Martin Tomlinson, via phone, who stated that Defendants oppose this Motion, and thereafter on October 19 and 20, 2022, by email, regarding the parties' respective positions on a proposed expedited briefing schedule.

/s/Brian D. Poe
Brian D. Poe